

**REMARKS**

In the Office Action,<sup>1</sup> the Examiner rejected all pending claims 1-6, 8-14, 19-22, 24-33, and 35-40 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,587,835 to Treyz et al. ("*Treyz*"). By this Amendment, Applicant amends claim 1, 5, 28, and 32.

Applicant respectfully traverses the rejection of claims 1-6, 8-14, 19-22, 24-33, and 35-40. *Treyz* fails to teach or suggest each and every element of the pending claims.

Independent claim 1 recites an electronic guide information processing system, comprising, among other things, "an information distributing apparatus for converting the guide information into electronic guide information, and then distributing the electronic guide information." The Examiner argues that a "store computer [and] data configuration for transmission" in *Treyz* disclose the above recitation of claim 1. See Office Action, p. 3.

The Examiner apparently considers the in-store computer of *Treyz* as corresponding to the claimed information distributing apparatus and considers data configuration for transmission in *Treyz* as corresponding to distributing the electronic guide information as in claim 1. Although Applicant disagrees with the Examiner's characterizations of *Treyz*, even assuming these characterizations are correct, *Treyz*

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

does not teach or suggest the information distributing apparatus of claim 1 for "converting the guide information into electronic guide information."

*Treyz* states, "[i]nformation and services may be provided to the user from an in-store computer" (col. 30, lines 3-4), for example, an "[o]n-screen option[] may be provided . . . that allows the user to request a brochure . . . [which] may be delivered to the user's home in physical form or . . . to the user's . . . handheld computing device 12 electronically" (col. 30, lines 27-36). However, *Treyz* does not teach or suggest, for example, that an in-store computer converts a physical form brochure into an electronic form brochure. Therefore, *Treyz* cannot constitute a teaching or a suggestion of the information distributing apparatus of claim 1 for "converting guide information into electronic guide information." For at least this reason, *Treyz* fails to anticipate claim 1.

In addition, independent claim 28, although different in scope than claim 1, recites a method for processing electronic guide information, comprising, among other things, the step of "producing electronic guide information . . . by converting the guide information." For at least reasons similar to those given above with respect to claim 1, *Treyz* also fails to anticipate claim 28.

Furthermore, dependent claims 2-4 and 29-31 are also allowable over *Treyz* at least by virtue of their dependence from allowable base claims 1 and 28. Accordingly, *Treyz* fails to anticipate claims 1-4 and 28-31.

Independent claim 5 recites an electronic guide information processing system, comprising, among other things, "an information collecting apparatus . . . , wherein . . . the electronic guide information is collected at the exit." The Examiner argues that this recitation of claim 5 is disclosed by *Treyz* in column 49, and the Examiner further

argues that this portion of *Treyz* teaches, “shopping assistance link [is] deleted along with icon/descriptive information - once user [is] out of range or has exited the facility.” See Office Action, p. 5. The cited portion of *Treyz* discloses, “accessing the shopping assistance service . . . may [be] . . . specific to the user’s location (col. 49, lines 50-54) and “[w]hen the user arrives at the store . . . that has wireless coverage in the vicinity of the entrance of the store . . . the shopping assistance service may be invoked automatically[] when handheld computing device 12 detects the availability of the service or detects the presence of local wireless content” (col. 49, lines 19-44).

Although *Treyz* is silent with respect to an exit, the Examiner apparently considers an out-of-range user equivalent to a user at an exit. Despite the Examiner’s assertion, however, *Treyz* is silent with respect to deleting any information once a user is out of range or has exited the facility. And even assuming the Examiner’s characterizations are correct, *Treyz* still fails to teach or suggest, “the electronic guide information . . . collected at the exit,” as recited by claim 5. For at least this reason, *Treyz* cannot constitute a teaching or a suggestion of the information collecting apparatus of claim 5 wherein “the electronic guide information is collected at the exit.” *Treyz* thus fails to anticipate claim 5.

In addition, independent claim 32, although different in scope than claim 5, recites a method for processing electronic guide information, comprising, among other things, the step of “collecting the electronic guide information.” For at least reasons similar to those given above with respect to claim 5, *Treyz* also fails to anticipate claim 32.

Furthermore, dependent claims 6, 8-14, 33, and 35-40 are also allowable over *Treyz* at least by virtue of their dependence from allowable base claims 5 and 32.

Accordingly, *Treyz* fails to anticipate claim 5, 6, 8-14, 32, 33, and 35-40.

Independent claim 19 recites a portable terminal apparatus, comprising, among other things, "a manipulation section manipulated in order to input manipulation information about the electronic guide information." In the Office Action, the Examiner argues that the handheld computing device in Fig. 13 of *Treyz* is a teaching of the portable terminal apparatus and that the computer in Fig. 13 of *Treyz* is a teaching of the manipulation section. See Office Action, p. 7. However, Fig. 13 of *Treyz* depicts the handheld computing device separate from the computer, where the handheld computing device is utilized by a customer and the computer is utilized by a merchant. Also, *Treyz* discloses, "[c]omputer 184 may communicate with handheld computing device using wireless transmitter/receiver" (col. 20, lines 66-67), further teaching that the handheld computing device is a separate device from the computer and that the handheld computing device does not comprise this computer. For at least this reason, *Treyz* cannot constitute a teaching or a suggestion of the portable terminal apparatus of claim 19 comprising a manipulating section.

Furthermore, dependent claims 20-22 and 24-27 are also allowable over *Treyz* at least by virtue of their dependence from allowable base claim 19. Therefore, *Treyz* fails to anticipate claims 19-22 and 24-27.

Because *Treyz* fails to anticipate claims 1-6, 8-14, 19-22, 24-33, and 35-40, as shown above, the rejection of all pending claims under 35 U.S.C. § 102(e) as being anticipated by *Treyz* should be withdrawn.


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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